IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

Crl.MC.No. 3914 of 2006()

SC.258/2001 of ASSISTANT SESSIONS COURT, OTTAPPALAM

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PETITIONER: ACCUSED

ALI @ BAVA, S/O. MUHAMMED KUTTY
MUSALIAR, THEKKUMMAL VEEDU, KARAKKAD.

BY ADV. SRI.VINOD KUMAR.C

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
(CRIME NO.467 OF 1999 OF PATTAMBI POLICE STATION.)

BY PUBLIC PROSECUTOR SRI.PUZHAKKARA MUHAMMED

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3914 of 2006

Dated this the 29th day of November 2006

O R D E R

The petitioner is the 25th accused in S.T.No.258 of 2001. He faces allegations interalia under Section 436 read with 149 I.P.C. Consequent to the inability/failure of the petitioner to appear before the learned Sessions Judge, the learned Sessions Judge had issued a non-bailable warrant to secure the presence of the petitioner and the petitioner finds the said warrant chasing him. The petitioner has rushed to this court with this petition under Section 482 Cr.P.C and the short prayer is that when the petitioner appears before the learned Sessions Judge, he may be directed to be released on bail.

2. It is certainly for the petitioner to appear before the learned Sessions Judge and explain to the learned Sessions Judge the circumstances under which he could not earlier appear before the learned Sessions Judge. I have no reason to assume that the learned Sessions Judge would not consider the said cause on merits, in accordance with law and expeditiously. No specific or special directions appear to be necessary. Sufficient general directions have already been issued in Alice George v. Deputy Superintendent of Police [2003(1)KLT 339]. Every court worth its salt must dispose of

such application for bail, by the person who surrenders, expeditiously and on merits.

3. In the result, this Crl.M.C is dismissed but with the specific observation that if the petitioner surrenders before the learned Sessions Judge and applies for bail, after giving sufficient prior notice to the prosecutor in charge of the case, the learned Judge must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself, unless there are compelling and exceptional reasons.

Hand over copy of this order to the learned counsel for the petitioner, for production before the learned Sessions Judge.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006